

CIVIL SERVICE COMMISSION MINUTES

April 17, 2002

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Gordon Austin
Barry I. Newman
Sigrid Pate
Mary Gwen Brummitt

Absent was: Roy Dixon

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

CIVIL SERVICE COMMISSION MINUTES
April 17, 2002

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway,
San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
3, 14	13		12

COMMENTS Motion by Newman to approve all items not held for discussion;
seconded by Pate. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda

No items for discussion.

REGULAR AGENDA
County Administration Center, Room 358

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and it is approved by the President of the Commission.

MINUTES

1. Approval of the Minutes of the regular meeting of March 20, 2002.
Approved.
2. Approval of the Minutes of the special meeting of March 28, 2002.
Approved.

CONFIRMATION OF ASSIGNMENTS

3. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Ignacio Santos**, former Correctional Deputy Probation Officer I, appealing an Order of Removal and Charges from the Department of Probation. (See attached memo.)

Wendell Prude, S.E.I.U. Local 2028, explained to the Commission that the Union has a system in place (albeit not perfect) for incoming disciplines and appeals. Mr. Prude offered a visual of the notebooks that are categorized by employee name. On the day that Mr. Santos' request for an appeal was received in the office of SEIU Local 2028, a temporary employee, unfamiliar with the system, filed the request into the proper notebook, however critical clerical steps were inadvertently bypassed and the appeal was not timely sent to the Commission. Mr. Prude requested that the Commission find good cause for lateness in this matter.

William Songer, Sr. Deputy County Counsel, offered that the Department would not object if good cause was found.

Motion by Newman to treat explanation as good cause, and to include Mr. Santos' appeal; seconded by Pate. Carried.

Commissioners Brummitt and Newman confirmed as hearing officers.

4. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Lisa Almanza**, former Correctional Deputy Probation Officer I, appealing an Order of Removal and Charges from the Department of Probation.

Confirmed.

5. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Maribel Herrera**, former Correctional Deputy Probation Officer I, appealing an Order of Removal and Charges from the Department of Probation.

Confirmed.

6. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Stacy Slaten**, former Correctional Deputy Probation Officer II, appealing an Order of Removal and Charges from the Department of Probation.

Confirmed.

7. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Karen Abbott**, former Correctional Deputy Probation Officer I, appealing an Order of Removal and Charges from the Department of Probation.

Confirmed.

8. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Arwen Emily Daum**, former Correctional Deputy Probation Officer I, appealing an Order of Removal and Charges from the Department of Probation.

Confirmed.

9. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Allen Alejandro**, former Correctional Deputy Probation Officer I, appealing an Order of Removal and Charges from the Department of Probation.

Confirmed.

10. Commissioners Brummitt and Newman: Fern Steiner, Esq., on behalf of **Troy Batton**, former Correctional Deputy Probation Officer I, appealing an Order of Removal and Charges from the Department of Probation.

Confirmed.

11. Commissioner Austin: Everett Bobbitt, Esq. on behalf of **Stephen Maxin**, Deputy Sheriff, appealing an Order of Demotion and Charges (from Sergeant) from the Sheriff's Department.

Confirmed.

WITHDRAWALS

12. Commissioner Austin: Wendell Prude, S.E.I.U. Local 2028, on behalf of **Jack M. Richardson**, Custodian, appealing an Order of Reduction in Step for Six (6) Months and Charges from the Office of the Medical Examiner.

Withdrawn.

DISCRIMINATION

Complaints

13. **Melissa Roose**, former Confidential Paralegal, Office of County Counsel, alleging age, gender, and non-job related discrimination by the Office of County Counsel.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Staff amended its recommendation to continue this matter due to impending settlement negotiations. Continued.

SELECTION PROCESS

Complaints

14. **Daniel Vasquez**, Administrative Analyst II, HHSA, appealing the Department of Human Resources' decision that he is ineligible to compete in the recruitment for the classifications of Senior Accountant and Administrative Analyst III.

RECOMMENDATION: Deny Request.

Mr. Vasquez addressed the Commission regarding letters of support from upper management to substantiate his work experience pertaining to the classifications of Senior Accountant and Administrative Analyst III. The letters of support were approved by the initial analyst assigned to these two exams, and confirmed via e-mail correspondence. Some time later, further e-mail correspondence from another analyst explained that the letters of support would not be accepted by DHR, thus negating appellant's eligibility. Mr. Vasquez requested a copy of a written DHR policy regarding letters of support and was told a policy was non-existent.

Charles Nares, Deputy Director, Human Resources, explained that DHR accepts responsibility for the error and admits to inconsistencies in the practice of accepting support letters from department managers. He emphasized that in reviewing all of the applicants for the above two classifications, no one was found eligible by letters of support or letters of justification, placing all applicants on a fair playing field. Everyone, per DHR, was treated fairly; eligibility was based on education and experience, only.

The Commission noted that because there has been no written policy, there may have been selection processes in the past where letters of support were accepted as proof of eligibility. The fact that there has been inconsistencies in this "best practice", and that there is now a need for a written policy and County-wide communication of said policy, places this matter in a tenuous status. Mr. Vasquez' appeal is unique due to the e-mail correspondence both accepting and rejecting the

letters, and in that vein, he should not be penalized for lack of a policy and inconsistency within DHR.

Motion by Newman to grant request for a Rule X hearing; seconded by Pate. Commissioner Pate Assigned.

Ayes: Austin, Newman, Pate
Noes: Brummitt
Abstentions: None

OTHER MATTERS

Extension of Temporary Appointments

15. Alternate Public Defender

1 Deputy Alternate Public Defender (Craig Leff)

RECOMMENDATION: Ratify Item No. 15.

Item No. 15 ratified.

16. Public Input.

ADJOURNMENT: 3:15 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE MAY 15, 2002.